



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
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February 17, 2009

To: Senator Edwin Gomes, Co-Chairman
Representative Kenneth Green, Co-Chairman
Members of the Housing Committee

From: Elizabeth Verna (Verna Developers), First Vice President and Chair,
HBACT Government Affairs Committee
Bill Ethier, Chief Executive Officer

Re: **All Bills Related to Section 8-30g, Affordable Housing Appeals Act**

The HBA of Connecticut is a professional trade association with almost one thousand three hundred (1,300) member firms statewide. Our members are residential and commercial builders, land developers, remodelers, general contractors, subcontractors, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers Council, a professional forum for the land development industry in the state.

We are strongly opposed to any further weakening of the Affordable Housing Appeals Act. This is a critically important law to help provide needed housing for Connecticut's citizens. Rather than comment on any of the numerous, specific bills before you today, we offer the committee our general policy on the act with the hope that it will be considered in the committee's discussions on this very important topic.

As corroborated by the legislature's Blue Ribbon Commission to Study Affordable Housing and recent research done by the CT Partnership for Strong Communities, **the need for more affordable housing in Connecticut remains as severe as it has ever been.** Many of our communities have extremely high housing costs and the current economic environment has not produced price declines here on the order the nation has seen in many other states. The disparity between the wealthy and poor in Connecticut is pronounced as high housing costs represent a significant barrier to movement of households to different communities.

The high cost of housing is also a drag on the general economy as it is one of several factors that businesses will look at in determining whether to locate or expand in Connecticut. Remember – Homes Are Where Jobs Go At Night!

The Affordable Housing Appeals Act is just one method, albeit a very important one, of obtaining more affordable housing than what might otherwise be obtained. The act is a vital part of the overall affordable housing effort since it provides help in obtaining necessary, but time-consuming and expensive, land use approvals, which are made even more difficult whenever a builder proposes to provide "affordable housing." The act also serves as a critical counter balance to the rampant no-growth movement and draconian land use approval processes that exist across Connecticut. The land use review

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"Enhancing Our Member's Value to Their Customers and Our Industry's Value to Society"

process for new development of any kind is severely broken in this state and absent a complete rewrite of our land use statutes that reflects balanced growth and the importance of housing in every community the act is the only statutory tool available to new housing developers to bring some reason to our land use permitting challenges.

The diversity of housing opportunities the act creates helps citizens who work in a municipality to be able to live in that municipality. The recent HOMEConnecticut law is also vitally important to achieve this goal and 8-30g is critically tied to the success of the HOMEConnecticut program.

Contrary to opponents of the act, 8-30g is not a mandate on municipalities. The act, even before the weakening amendments passed between 1995 and 2000, did not (and still does not) prevent the denial of a project. The act says to communities that if you want to deny an affordable housing application, then merely show some justification for the denial based on public health and safety reasons. The courts consistently uphold denials of projects based on these and other reasons (e.g., inland wetlands permits are not affected by 8-30g).

The HBA of CT wholeheartedly supports the goal and the statutory language of the act as it existed prior to the 1995 legislative session. Since 1995, however, **after many adopted legislative compromises have created challenges to the purpose underlying the law, we believe that no further weakening of the act is warranted.**

All land use approval policies from planning, zoning, subdivision, wetlands and many other areas are implemented by municipalities pursuant to state adopted enabling acts, policies and procedures. The latitude afforded municipalities under these state enabling acts is vast, broad and very difficult to challenge. Thus, **we do not understand what is so wrong with a state law that supports the production of housing that is more affordable than would be otherwise produced without such a law as 8-30g.**

Since passage of section 8-30g, municipalities have been held accountable to merely justify their decisions when an affordable housing application that meets the strictures of the act is submitted. We find nothing wrong with that since we believe that municipalities should be held meaningfully accountable, both socially and legally, for their decisions. **To further weaken the standards for denial of applications ignores the current realities of the act's implementation and the dire need for more housing in CT.**

The act also serves a useful purpose in achieving more affordable housing with no cost to the state and no adverse impact on the environment. Without the act, Connecticut's citizens and would-be citizens would be faced with an ever-more difficult search to find affordable shelter. **We strongly urge the committee to not do any more harm to the Affordable Housing Appeals Act.**

Thank you for the opportunity to express our views on this important topic.